

Lewis County Setback Proposal

There are many small nonconforming lots in rural parts of the county that were subdivided prior to zoning. Often, the lots contain covenants that show minimum setbacks which were considered the de facto standard setback in the development. These covenant setbacks are usually defined as 5 feet and the county zoning code calls for a 10 foot minimum side setback.

Although some property owners have been permitted to use the covenant setbacks, the county could have a difficult time defending those permits if challenged. To resolve this issue, Community Development looked at setbacks in other counties and how they regulated setbacks on nonconforming lots. The following table shows the information gathered during that research.

Rural residential and/or rural zones comparable to Lewis County. All of the shown counties are required to plan, per GMA.

| Jurisdiction | Residential Side Setback in Feet | | | | Nonconforming Lots |
|--------------|---|-----------|-----------|---------------------|-------------------------|
| | Density DU/acre | | | LAMIRD ¹ | |
| | 1/5 | 1/10 | 1/20 | | |
| Chelan | 5 | 5 | 5 | 5 | Note (1) |
| Clallam | 10 | - | 10 | 10 | Comply with Dev Regs |
| Jefferson | 5 | 5 | 5 | 5 | |
| King | 10 | 10 | 10 | | |
| Lewis | 10 | 10 | 10 | 10 | |
| Mason | 20 | 20 | 20 | 5 | 5ft min on smaller lots |
| Pacific | 5 | 5 | 5 | 5 | Meet min setbacks |
| Pierce | 5 | 10 | 10 | | Comply with Dev Regs |
| Skagit | Flexible—minimum building separation 16 ft. | | | | Note (2) |
| Snohomish | 5 | 5 | - | 5 | Complies with setbacks |
| Thurston | 6 | 6 | 6 | 6 | Meet zoning standards |
| Whatcom | 5 | 5 | - | 5 | Meet zoning standards |
| Yakima | 10 | 10 | | 5 | Must meet min setbacks |

¹ In Lewis County, LAMIRDS include the RRC, STMU, and STR-4 zones, among others.

Notes

- (1) **11.97.020 Nonconforming lots of record.** In any district, any stated permitted use or structure and accessory use may be erected on preexisting legal lot of record which does not meet the minimum lot size or width requirements of the district in which it is located. Setback dimensions and all other applicable county and state requirements not involving lot size or width shall conform to the regulations for the district in which the lot is situated.
- (2) **14.16.810 Setback requirements.** (4) Administrative Reduction of Setbacks. The Administrative Official may reduce the required front, side or rear setbacks where topography or critical areas or the lot's size and configuration impact the reasonable development of the property. To reduce the front or rear setback, the Administrative Official must determine that the public health, safety, and welfare will be maintained. Consultation with the Public Works Department concerning traffic safety may be solicited during this analysis.

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Recommendation

Staff recommends the following steps to resolve this issue.

1. Change minimum side setback to 5 feet for residential properties.

There is also some support for changing the rear setback to 5 feet (addressed in (2) below)

2. Add a provision for an administrative reduction of side or rear setbacks in special circumstances.

3. Add a provision for specifying that development on nonconforming lots must comply with setback standards.

The following is a proposed DRAFT amendment to the Lewis County Code implementing the above recommendations.

17.145.020 Required setbacks.

(1) Unless otherwise designated in this title or Chapter 15.15 LCC, the minimum required setbacks shall be as follows:

~~(1) Minimum setbacks~~

~~(a) Residential:~~

- ~~(i) Front 25 feet from right-of-way;~~
- ~~(ii) Side 10 feet from property line;~~
- ~~(iii) Rear 25 feet from property line, for structures in excess of 100 square feet;~~

~~(b) Commercial:~~

- ~~(i) Front 10 feet from right-of-way;~~
- ~~(ii) Side 10 feet from property line;~~
- ~~(iii) Rear 0 feet, except 25 feet from property line when abutting a residential zone;~~

~~(c) Industrial:~~

- ~~(i) Front 10 feet from right-of-way;~~
- ~~(ii) Side 10 feet from property line;~~
- ~~(iii) Rear 0 feet, except 50 feet when abutting a residential zone.~~

| <u>Setback</u> | <u>Residential</u> | <u>Commercial</u> | <u>Industrial</u> |
|---|-----------------------|-------------------|-------------------|
| <u>Front</u> <u>from right-of-way</u> | <u>25</u> | <u>10</u> | <u>10</u> |
| <u>Side</u> <u>from property line</u> | <u>5</u> | <u>10</u> | <u>10</u> |
| <u>Rear</u> <u>from property line</u> | <u>25¹</u> | <u>0</u> | <u>0</u> |
| <u>when abutting a</u> <u>residential zone</u> | <u>-</u> | <u>25</u> | <u>50</u> |

¹ Applies to structures over 100 square feet.

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(2) The Administrator may reduce the required side or rear setbacks where topography, critical areas or the lot's size and configuration impact the reasonable development of the property.

17.155.065 Nonconforming lots of record.

Any permitted use or structure is allowed on legal lots of record which do not meet the minimum lot size or width requirements of the zone, provided setback requirements and all other applicable requirements conform with Lewis County regulations.